



BMT/13/30

ORIGINAL: English

DATE: November 21, 2011

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

TECHNICAL WORKING PARTY FOR VEGETABLES

Thirteenth Session
Brasilia, November 22 to 24, 2011

**REPORTS ON DEVELOPMENT IN PLANT VARIETY PROTECTION FROM
MEMBERS AND OBSERVERS**

Document prepared by the Office of the Union

1. The Technical Committee (TC), at its forty-seventh session held in Geneva, from April 4 to 6, 2011, agreed to request the Office of the Union to invite experts to submit written reports to the Office of the Union in advance of the Technical Working Party (TWP) sessions in order that a document containing those reports could be prepared by the Office of the Union. The TC noted that TWP experts would be invited to make a brief oral summary of their written report at the session and would also be encouraged to make reports under the agenda item “Experiences with new types and species”, as appropriate. The TC also noted that TWP experts would have an opportunity to raise questions concerning matters of interest (see document TC/47/26 “Report on the Conclusions”, paragraphs 9 and 10).

2. Written reports were requested by the Office of the Union in the circular relating to his session. The following reports were submitted (in alphabetical order):

Members: Annexes I to II: Brazil and European Union

[Annexes follow]

ANNEX I

BRAZIL

The National Plant Variety Protection Service (SNPC) on the Ministry of Agriculture, Livestock and Food Supply (MAPA), is the national authority for the examination of applications and for granting Plant Breeder's Rights in Brazil. The staff is composed of seven examiners in charge of examination of applications and inspection of DUS tests. Brazil adopted the breeder testing system, where the candidate variety description is provided by the breeder along with the application. The information is then included in a database used by SNPC (GAIA or other software) and compared with other varieties in order to identify the most similar ones.

SNPC regularly performs trials for post control of protected varieties and to check candidate varieties characteristics as declared by the breeders. Also, the SNPC works in cooperation with the breeders, coordinating trials for identification of example varieties for the main crops, what provides the opportunity to improve the methods of Distinctness, Uniformity and Stability ("DUS") evaluation in order to harmonize descriptions of varieties.

By November 16, 2011, more than 100 national guidelines were published, with the total of 97 genera covered by the Brazilian plant variety protection system. There are about 15 new guidelines being drafted. By that date, the total number of valid plant breeders' rights was 1,788 as follows: Forage Crops (30); Agricultural Crops (1,247); Vegetable Crops (57); Ornamental Crops (364); Fruit Crops (52) and Forest Crops (38).

The SNPC staff regularly participate in activities for the promotion of plant variety protection, such as Seminars on Plant Variety Protection and Workshops on Harmonization of DUS Tests as well as attending as lecturers at Conferences, Seminars, Workshops and other Technical Meetings regarding Intellectual Property. Since 2009, SNPC has offered a Distance Learning Course on Intellectual Property on Agribusiness, supported by the Department of Intellectual Property of the Ministry of Agriculture, with more than 2,500 professionals and students. Currently, the SNPC is offering the second edition of the Distance Learning Course about Plant Variety Protection in Brazil for 100 participants. In 2010, more than 400 vacancies were offered. In 2011, a book on PVP was published by the Ministry of Agriculture, organized and edited by SNPC and collaborators.

On May 12 and 13, 2011, SNPC hosted the GAIA Software Workshop, in Brasilia – DF, Brazil. The venue was organized jointly by SNPC, Groupe d'Etude des Variétés et Contrôle des Semences (GEVES) and UPOV. The representatives from the following countries plus UPOV attended the course: Brazil, Chile, Mexico, and Uruguay. Following the course, SNPC hosted the Fortieth Session of the UPOV Technical Working Party for Agricultural Crops (TWA).

[Annex II follows]

ANNEX II

EUROPEAN UNION

Report on Activities of the Community Plant Variety Office of the European Union (CPVO)

In 2010, the Office received 2,886 applications for Community plant variety rights (CPVR), representing an increase of 4.1% compared with the previous year. At the end of 2010, a total of 17,610 Community titles were in force. The number of applications received until November 4, 2011, was 2,657, being 13% more than the same period in 2010.

The centralized database of variety denominations received a new name, the CPVO Variety Finder, and contains more than 600,000 denominations from national listing and plant variety rights registers. The database has been available on the basis of a restricted access to national authorities of European Union (EU) member States, the European Commission, UPOV members and all EU breeders; however, recently the President of the CPVO has decided to make it available on its public website: this will be implemented in the near future. The aim of the database is the verification of the suitability of a proposed variety denomination with regard to similarity, but it turns out that it is also a useful tool in order to search for varieties of common knowledge. EU based applicants use this database also to pre-check their denomination proposals for similarity.

Since 2010, the granting decision and the official variety description of the CPVO files have been published on the CPVO public website. These documents are made available after the grant of the variety in the CPVO Official Gazette.

Since the end of March 2010, the CPVO has been able to offer to applicants the possibility of e-filing, which enables the filing of an application for Community rights on-line, via a secured site. In recent months, the share of on-line applications was around 50% of the applications.

Following the implementation of the so-called “one key, several doors” principle, whereby DUS test reports produced by any “CPVO-entrusted” authority in the EU are accepted for listing or protection purposes throughout the EU, an independent technical audit of the CPVO continued audits during 2010, the first entrustment certificate was issued by the Administrative Council of the Office in March 2010.

Research and development (R&D) projects:

European collection of rose varieties (follow up)

The practical implementation of the conclusions of the project started this autumn. Leaf samples were taken from all candidate varieties and sent to a CPVO accredited laboratory (Naktuinbouw (Netherlands)) for the extraction and storage of DNA samples. More details will be given in a presentation at the thirteenth session of the BMT.

Construction of an integrated microsatellite and key morphological characteristic database of potato varieties in the EU Common Catalogue (follow up)

A ring test for the better description of the morphological characteristics entering into the database will be carried out during 2012 by the 9 CPVO examination Offices for DUS of potato varieties. The follow up concerning the molecular data to be integrated into the database is still under discussion but should be put into practice as from 2012 on.

Management of peach tree reference collection

The final report has been received by the CPVO recently. The aim is to create and manage a peach tree database, via the establishment of an EU *Prunus persica* tree collection structured in varietal groups, using a common database containing phenotypic, visual and molecular descriptions.

A potential UPOV option 2¹ approach for barley high density SNP genotyping

The project is carried out by NIAB (United Kingdom) during 2011. The project considers three possible approaches: the calculation of correlation between molecular and morphological distances; quantification of morphological and molecular distances against pedigree; and genomic selections for phenotypic predictions. If such correlation exists, and calibration thresholds for the phenotype could be established, this could be used as a powerful tool for the grouping of varieties in the growing trial. More details will be presented by experts from the United Kingdom, at the thirteenth session of the BMT.

The Community Plant Variety Office has a new President since July 12, 2011, Mr. Martin Ekvad was appointed for a period of five years.

[End of Annex II and of document]

¹ “Calibrated molecular distances in the management of varieties and collections”